IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.166 OF 2004

The State of Maharashtra ...Appellant.

V/s

Vasant Chintamani Gokhale,
Age-Adult,
R/o. Khadikar Wada,
Near Darubhatti Godwon,
Kolhapur. ....Respondent.

Mr. D.P. Adsule, APP for the appellant - State.

Mr. Ganesh Gole with Smt. M. Patil for the respondent.

CORAM: V.M.KANADE,J.

DATE: 14TH OCTOBER, 2004

PC:.

1. Heard the learned Counsel appearing for the appellant - State and the learned Counsel appearing on behalf of the respondent - accused.

2. Appellant - State has filed this appeal challenging the Judgment and Order passed by the 5th Joint Judicial Magistrate, First Class, Court No.2. at Kolhapur in R.C.C. No.92 of 1984. Trial Court acquitted the accused which was charged for having committed an offence under section 408, 467 of the I.P.C. Prosecution's case was that the respondent - accused was appointed as a Senior Clerk and he had

misappropriated various amounts from 1/4/1977 to 31/3/1980. Trial Court has come to the conclusion that the prosecution could not prove that the accused was entrusted with the said cash or was appointed by the Society as a clerk during the relevant period. Further, it is held that it is not brought on record as to whether the accused was given responsibility of maintaining the cash in hand. Further, it is held that it is not proved that the accused had withdrawn the said amount from the Bank.

3. The learned APP appearing on behalf of the appellant - State has taken me through the evidence on record by filing copy of the depositions. On perusal of this evidence, I am of the view that the finding given by the Trial Court cannot be said to be unreasonable and perverse. Leave is, therefore, refused. Appeal is dismissed.

V.M. KANADE, J.